

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN SPEARS and JUDITH SPEARS,
Husband and wife,

Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts corporation,

Defendant.

CASE NO.: 3:20-CV-00576-ART-CLB

ORDER APPROVING IN PART

**STIPULATION TO SUBSTITUTE
LIBERTY INSURANCE
CORPORATION AS A DEFENDANT
IN PLACE OF LIBERTY MUTUAL
INSURANCE COMPANY**

In the above-captioned case, Plaintiffs named Liberty Mutual Insurance Company (“LMIC”) as a defendant. However, because Liberty Insurance Corp. (“LIC”) is the underwriter of Plaintiffs’ Policy in effect on the date of loss, Liberty Insurance Corporation, and not Liberty Mutual Insurance Company, is the proper entity to respond to Plaintiffs’ claims related to the insurance policy which is the subject of this lawsuit.

Accordingly, the parties hereby stipulate and agree that Liberty Mutual Insurance Company

1 shall be dismissed without prejudice from this action and replaced with Liberty Insurance Corp.
 2 Liberty Insurance Corp will be substituted as the correct and only Defendant for this lawsuit. The
 3 parties also stipulate that Plaintiffs will withdraw their Motion for Leave to Amend Complaint
 4 (ECF No. 53) and Notice of Filing Missing Papers (ECF No. 54); and that Plaintiffs will also
 5 withdraw their recent complaint filed in Washoe County District Court against Liberty Insurance
 6 Corp., Case No. CV22-01483.

7 The parties further request that the Court grant the parties' joint request to change the Court
 8 Caption to reflect the current and correct parties as contained in the Proposed Caption attached as
 9 ***Exhibit A.***

10 Therefore, the parties jointly request that Liberty Insurance Corporation be substituted in
 11 place of Liberty Mutual Insurance Company in the case and the caption and complaint be amended
 12 accordingly. The purpose of this Stipulation is to allow this case to proceed on the merits against
 13 Liberty Insurance Corporation.

14
 15 Dated: September 21, 2022

CLYDE & CO US LLP

16 By: /s/ Dylan Todd

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 25 *Liberty Mutual Insurance Company*

1 Dated: September 21, 2022

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12 *Steven Spears and Judith Spears*

13 **ORDER**

14
15 Liberty Mutual Insurance Company is dismissed without prejudice from
16 this action and replaced with Liberty Insurance Corporation. Liberty Insurance
17 Corporation will be substituted as the correct and only Defendant for this
18 lawsuit.

19 The case caption will be revised to reflect the defendant is Liberty
20 Insurance Corporation and reflected in all future orders, including the pending
21 motions for summary judgment (ECF Nos. 42 and 43). See Exhibit A. The Court
22 will assume that the name change does not affect the substance of the motions.
23 The Court cannot modify the documents that have already been filed; therefore,
24 if the parties seek to modify documents already filed, they may do so by motion.

25 Pursuant to the parties' agreement, Plaintiffs Motion for Leave to Amend
26 Complaint (ECF No. 53) and Notice of Filing Missing Papers (ECF No. 54) are
27 withdrawn. Furthermore, pursuant to the parties' stipulation, Plaintiffs agree to
28 withdraw their recent complaint filed in Washoe County District Court against
Liberty Insurance Corp., Case No. CV22-01483.

DATED: September 22, 2022



Anne R. Traum
United States District Judge

EXHIBIT A

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MASTER CAPTION